

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 58 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI and  
MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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STATE OF GUJARAT

Versus

HARESH RANABHAI CHHARA

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Appearance:

MR U.A.TRIVEDI, ADDL. PUBLIC PROSECUTOR for Petitioner

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CORAM : MR.JUSTICE R.K.ABICHANDANI and  
MR.JUSTICE A.L.DAVE

Date of decision: 07/07/98

ORAL JUDGEMENT (Per R.K.Abichandani,J.)

In this acquittal appeal, we have been taken through the relevant material having bearing on the case.

The prosecution witnesses have not supported the prosecution and important witnesses have all turned hostile. The so-called dying declaration said to have been recorded by the doctor in form of case history

becomes doubtful because the doctor in his cross-examination admitted that the victim was semi-conscious and that the victim has died within five minutes of being taken to the hospital. The so-called dying declaration does not inspire confidence and we find that the trial Court was right in giving benefit of doubt to the respondents. The appeal is summarily dismissed.

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\*/Mohandas